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20—Cortland Standard, Sat., Sept. 27, 1997

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## LEGAL NOTICE

County of Cortland  
Local Law No. 8 of the  
year 1997

A local law Prohibiting  
Self-Service Sale of To-  
bacco Products.

Be it enacted by the  
County Legislature of the  
County of Cortland as  
follows:

Section 1. Legislative  
findings. Tobacco prod-  
ucts are very accessible  
to children and adoles-  
cents in Cortland County.  
Access through self-  
service tobacco displays is  
a contributing factor to this  
problem whereby tobacco  
products are more easily  
obtained through illegal  
sales or shoplifting. A 1997  
county-wide assessment  
indicates that 78% of to-  
bacco retail establishments  
have multiple self-service  
displays. As well, figures  
from a 1997 youth tobacco  
use survey for Cortland  
County revealed that, over-  
all, 33% of youth are regu-  
lar tobacco users and 28%  
of these users admittedly  
shoplift as a means of ob-  
taining tobacco products.  
Yet, 80% of these tobacco  
users stated their desire to  
quit, although only 8%  
were successful.

Youth tobacco use in  
Cortland County can no  
longer be tolerated or over-  
looked. The American  
Medical Association has  
classified youth tobacco  
use a pediatric disease. To  
help alleviate the current  
problem and to prevent fu-  
ture tobacco use, all to-  
bacco products should be  
secured behind monitored  
service counters and ven-  
ding machines should be  
placed only in areas inac-  
cessible to youth.

Section 2. Purpose. It  
is the purpose of this local  
law to aid enforcement of  
laws prohibiting the sale of  
tobacco products to mi-  
nors, to reduce minors' ac-  
cess to tobacco, and to  
reduce the incidence of mi-  
nors shoplifting tobacco  
products by eliminating  
open-access displays and  
increasing the minor/sales  
clerk interaction during the  
sales transaction.

Section 3. Definitions.  
For the purpose of this  
local law:

(a.) "Person" shall  
mean any individual, part-  
nership, corporation, asso-  
ciation, or any combina-  
tion of individuals and cor-  
porations, by whatever  
means organized.

(b.) "Retailer" shall  
mean any person who op-  
erates a store, shop,  
booth, stand, concession  
or any other place where  
tobacco is sold to purchas-  
ers for consumption or use.

(c.) "Tobacco product"  
means any one or more  
cigarette or cigar, chewing  
tobacco, powdered to-  
bacco, smokeless tobacco,  
snuff, pipe tobacco, or any  
other tobacco product.

(d.) "Local Health  
Officer" shall be defined as  
set forth in Part 11 of the  
New York State Sanitary  
Code.

(e.) "Bar" shall be

defined as set forth in  
Article-E of the Public  
Health Law.

(f.) "Tobacco busi-  
ness" shall be defined as  
set forth in Article-E of the  
Public Health Law.

Section 4. Self service  
sales prohibited. No per-  
son or retailer shall display  
or store tobacco in any  
manner for sale, storage,  
or distribution without  
charge, which permits di-  
rect customer access or  
self service by the cus-  
tomer, whether by shelf  
display, kiosk, vending ma-  
chine, or other means of  
open display. This provi-  
sion shall not apply to the  
sale of tobacco products in  
vending machines located  
in a bar, in the bar area of  
a food service establish-  
ment with a valid on-  
premises full liquor license,  
or in a tobacco business.  
This exemption does not  
apply to a bar located in a  
bowling alley or any other  
business in which a signifi-  
cant, as deemed by the  
Local Health Officer, por-  
tion of its clientele consists  
of people under the age of  
eighteen years.

Section 5. Enforce-  
ment and penalties. A vi-

olation of Section 4 of this  
local law shall be a viola-  
tion punishable by a fine  
not to exceed one thou-  
sand dollars. Every peace  
officer within the County of  
Cortland is authorized to  
issue to any person or re-  
tailer found in violation of  
this local law, a ticket to  
appear before a justice of  
any municipal court lo-  
cated within the County.  
The Local Health Officer is  
authorized to enforce this  
local law by administrative  
proceedings held in accor-  
dance with the provisions  
set forth in Article 11 of the  
Cortland County Sanitary  
Code. Any penalty im-  
posed and collected by the  
Local Health Officer with  
respect to a violation of this  
law shall be used for to-  
bacco use prevention and  
control efforts administered  
by the Cortland County  
Health Department for pur-  
poses of preventing adol-  
escent tobacco use.

Section 6. Effective  
date. This local law shall  
become effective sixty  
days after filing as required  
by law.

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